

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA ex rel.)	
SAM COOK #B-39841,)	
)	
Petitioner,)	
)	
v.)	No. 07 C 6851
)	
TERRY McCANN,)	
)	
Respondent.)	

MEMORANDUM ORDER

This Court's February 1, 2008 memorandum order reconfirmed the dismissal of the self-prepared 28 U.S.C. §2254 Petition for Writ of Habeas Corpus - Person in State Custody that had been submitted by pro se petitioner Sam Cook ("Cook"). In part that memorandum order also referred to 28 U.S.C. §1915(b)(1) as requiring Cook to pay \$455 in appellate filing fees if he were to pursue his effort to obtain a certificate of appealability before our Court of Appeals. That last reference, however, was in error, for this Court has been apprised that habeas petitions are not subject to that statutory provision. Accordingly this Court sua sponte vacates all aspects of the February 1, 2008 memorandum order that call for the payment of filing fees on Cook's part.



Milton I. Shadur
Senior United States District Judge

Date: April 8, 2008